

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEBRASKA3 UNITED STATES OF AMERICA, )  
4 Plaintiff, ) 4:23CR3019  
5 vs. )  
6 ANTHONY UNOCIC, ) Lincoln, Nebraska  
7 Defendant. ) September 28, 20238 VOLUME IV  
9 TRANSCRIPT OF PROCEEDINGS  
10 BEFORE THE HONORABLE JOHN M. GERRARD  
11 SENIOR UNITED STATES DISTRICT JUDGE AND A JURY

12 A-P-P-E-A-R-A-N-C-E-S

13 FOR THE PLAINTIFF: Mr. Daniel D. Packard  
14 Asst. United States Attorney  
15 100 Centennial Mall North  
Suite 487  
Lincoln, NE 6850816 FOR THE DEFENDANT: Mr. Korey L. Reiman  
17 Asst. Federal Public Defender  
18 100 Centennial Mall North  
Suite 112  
Lincoln, NE 6850819  
20  
21 COURT REPORTER: Ms. Brenda L. Fauber, RDR, CRR  
111 South 18th Plaza  
22 Suite 3122  
Omaha, NE 68102  
23 (402) 661-732224  
25 Proceedings reported by certified stenographer, transcript  
produced with computer.

1 (At 10:19 a.m. on September 28, 2023, with counsel for  
2 the parties and the defendant present, and the jury NOT  
3 present:)

4 THE COURT: Good morning, everyone.

7                   The jury has been out and the Court has been advised that  
8                   the jury has reached a verdict.

9                   Counsel, is there anything we need to take up before I  
10                  bring the jury?

11 MR. PACKARD: No, your Honor.

12 MR. REIMAN: No.

17           Secondly, I think you both know that I do allow you to  
18 speak with jurors if they wish to speak afterwards. If they  
19 wish not to speak, I want you to respect that as well.

20 All right.

With that, let's bring the jury.

22 (Jury in at 10:20 a.m.)

25 It looks like Juror Number 2, I will ask you, has the

1       jury reached a unanimous verdict?

2                   FOREPERSON: We have, your Honor.

3                   THE COURT: All right. Very well.

4                   If you would please hand the verdict form to my courtroom  
5                   deputy, Ms. Miller, I'll examine it as to form.

6                   All right. Very well. It's appropriate as to form and I  
7                   will read the entire verdict out loud.

8                   This is the case of the United States of America versus  
9                   Anthony Unocic, Case Number 4:23CR3019. The charge was  
10                   threatening to assault a federal law enforcement officer.

11                   And the verdict is as follows:

12                   We, the jury, find the defendant, Anthony Unocic, guilty  
13                   beyond a reasonable doubt of threatening to assault Agent  
14                   David Tubbs with the intent to retaliate against Tubbs, as  
15                   instructed in Instruction Number 9.

16                   Signed by the jury foreman on the 28th day of September,  
17                   2023.

18                   And I will ask, first of all, the foreman, Juror Number  
19                   2, has the verdict that I've just read been reached  
20                   unanimously?

21                   FOREPERSON: It has, your Honor.

22                   THE COURT: Very well. And has the verdict -- was  
23                   the verdict that I just read accurate?

24                   FOREPERSON: Yes, it was.

25                   THE COURT: All right. Very well.

1 Any polling necessary of the jury?

2 MR. PACKARD: No, your Honor.

3 MR. REIMAN: No, sir.

4 THE COURT: All right. Very well.

5 Unanimity has been verified. The Court will accept the  
6 verdict and I will direct my clerk to file and record the  
7 verdict.

8 At this time, ladies and gentlemen of the jury, I want to  
9 thank you for your service. I have before, but I mean that on  
10 behalf of the entire district.

11 These cases are difficult. You've been most attentive  
12 throughout the proceedings and taken your duty very seriously  
13 and I want to thank you on behalf of the district.

14 I will discharge you at this point in time as jurors. If  
15 you wish to wait just for a few moments, I'll be happy to  
16 speak with you about the proceedings and procedures in my  
17 chambers in just a few moments.

18 And if you do not wish to wait, you are discharged and  
19 you will be allowed to go at this point in time.

20 So once again thank you on behalf of the District of  
21 Nebraska. You are discharged and I'll meet with you in just a  
22 few minutes.

23 Okay. Thank you.

24 (Jury out at 10:24 a.m.)

25 THE COURT: All right. You may be seated.

1                   So the Court has accepted the jury verdict. At this time  
2 I will adjudge Mr. Unocic guilty of Count I, threatening to  
3 assault a federal law enforcement officer with the intent to  
4 retaliate against the officer on account of the performance of  
5 his official duties.

6                   So the verdict and the judgment is guilty.

7                   I will set the sentencing date for January 4, 2024, at  
8 9 a.m.

9                   Counsel, are both of you available on January 4?

10                  MR. REIMAN: Yes, sir.

11                  MR. PACKARD: Yes, your Honor.

12                  THE COURT: All right. So sentencing will be set on  
13 January 4 of 2024, 9 a.m.

14                  Mr. Unocic, there will be a presentence investigation  
15 report prepared in the interim. I'll want you to cooperate  
16 with that. It would be in your best interests to cooperate  
17 with that between now and that time.

18                  Counsel, is there any other matters that we need to take  
19 up from the government?

20                  MR. PACKARD: No, your Honor.

21                  THE COURT: Or from the defense?

22                  MR. REIMAN: No, sir. Thank you.

23                  THE COURT: All right.

24                  Mr. Unocic will be remanded to the custody of the United  
25 States Marshal until the sentencing.

1           He's under service of sentence on another matter but will  
2           be expected to be brought back January 4 of 2024.

3           Counsel, thank you both for your service to this court.

4           We stand adjourned.

5

6           (Adjourned at 10:26 a.m.)

7

8

9

10           I certify that the foregoing is a correct transcript from  
11           the record of proceedings in the above-entitled matter.

12           \_\_\_\_\_  
13           /s *Brenda L. Fauber*  
14           Brenda L. Fauber, RDR, CRR

15           \_\_\_\_\_  
16           February 6, 2024  
17           Date

18

19

20

21

22

23

24

25